

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.7119 OF 2005

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DATED: 25-7-2007

Between:

Immaneni Sambasiva Rao

.. Petitioner

and

The Andhra University, rep. by the
Director, School of Distance Education,
Visakhapatnam.

.. Respondent

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.7119 OF 2005

ORDER:

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This writ petition is filed seeking a mandamus declaring the action of the respondent in not declaring the petitioner as pass in M.A. Course offered by the respondent University in February 1996, as illegal, arbitrary and violative of Article 14 of the Constitution of India.

It appears, the petitioner pursued M.A. (Sociology) Degree, under Single Sitting System, offered by the respondent University and appeared for examinations in February 1996 at Kakinada centre with Registration No.6253. The examinations were conducted by the School of Correspondence Education, Andhra University, which was later renamed as School of Distance Education. After the results were declared, the petitioner was furnished with marks list and he got 36% in the first year (previous) subjects and 45.2% in the second year (final) subjects, putting overall percentage of first and second year subjects to 41.1%. While so, the grievance of the petitioner is that, as per the Rules mentioned in the prospectus issued by the respondent University, he, having got more than 30% of the marks in each subject, has been passed in all subjects and entitled for a certificate of pass in M.A. (Sociology) Degree examination. But, he was not declared as passed on the ground that he was not qualified in the first year (previous) subjects, as he has not secured 40% of aggregate marks. But, according to the petitioner, since he appeared for the examinations under Single Sitting System, 40% of aggregate marks should be worked out by clubbing the marks secured in both previous and final year subjects.

A detailed counter affidavit has been filed on behalf of the

respondent University. Paragraph 3 of the counter reads as under:

“I submit that the petitioner herein appeared for M.A. (Previous) Examination and he has not secured 40% aggregate of marks in his Previous Examination. Though he appeared for M.A. in single sitting, his contention that the 40% aggregate should be worked out by clubbing the marks of Previous and Final Examination is untenable. Single Sitting System of Examination only facilitate the candidates early finalization of his Course, but the request, as claimed, cannot be conceded, which is contrary to the Regulations of the University and, in fact, on the reverse of each Mark Memo, the same is also printed. In fact, the Director has addressed a detailed letter dated 25.11.2002 explaining him the Rule position.”

As seen from the averments made in the counter, it is clear that Single Sitting System only facilitates the candidates' early finalization of the course, but not for working out 40% of aggregate marks by clubbing the marks secured in both previous and final year subjects and, since the petitioner has not secured 40% of aggregate marks in first year (previous) subjects, he cannot be declared as passed, which is contrary to the Regulations of the University.

I am of the opinion that the Rules in vogue, as on the date when the petitioner appeared for the examinations, were rightly applied by the University and the petitioner cannot claim any relief contrary to the Rules at this length of time. The writ petition is speculative in nature, devoid of merits and is, therefore, liable to be dismissed.

The writ petition is accordingly dismissed. No costs.

25th July, 2007.
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C.V. RAMULU, J